

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 6, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Lisa Goldner, Mark Shublak, Isaac Willett, Ros Stovall, Darla Williams, Frank Sauer and Marc Carmichael were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the January 16, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the February 6, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Five hundred eighty (580) renewals approved, seventy-six (76) new and/or transfer permits approved, six (6) permits approved for catering, two (2) permits approved for first year escrow, one (1) permit approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR82-22839 CHINA SUPER BUFFET – Commissioner Guthrie noted the applicant filed for a type 112 permit, but the location of this establishment is outside the city limits of Evansville and, therefore, needs to be converted to a type 111 permit.

Commissioner Guthrie moved to approve this conversion. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR29-22144 SITEWORKS REALTY CORPORATION – Commissioner Guthrie noted this application was denied by the local board because the applicant did not appear at the local board meeting. The applicant thought the local board meeting was rescheduled for a different date and, therefore, did not appear. The applicant requests the Commission remand this to the local board for a rehearing.

Commissioner Guthrie moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-06542 BLACK CHERRI SPORTS BAR – Commissioner Guthrie noted that the local board did not vote on this transfer and renewal because they thought the permit had been deactivated due to disciplinary action.

Commissioner Guthrie moved to disapprove the transfer and renewal of the permit and make the permit inactive. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-04398 NETWORK, LLC – Chairman Heath noted this is a type 210 transfer of ownership and location application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfers. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-22714 SLOPPY JOES BAR & GRILL, INC. – Chairman Heath noted this is a new type 112 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR64-10660 FLORNDALE, INC., d/b/a JUNKYARD BAR & GRILL – Chairman Heath noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL17-22098 KVM, INC., d/b/a MILE CORNER KWIK MART – Chairman Heath noted this is a type 104 renewal application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-22805 MARTIN & BAYLEY, INC., d/b/a HUCK'S FOOD & FUEL #214 – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR79-04070 THE KOOLER KEG, LLC - Commissioner Guthrie noted this permit was made inactive on 11-26-06, in error due to a mix up with taxes and paperwork. The permittee requests the Commission reactivate this permit.

Commissioner Guthrie moved to approve this reactivation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make sixty-one (61) permits inactive. Seventeen (17) permits are subject to auction and forty-four (44) permit are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

BO20-22671 FORME, INC. - Commissioner Guthrie stated this permit was approved as a boat permit, however, it was supposed to be an historic riverfront permit. It was entered on the computer in error. The applicant does qualify for the historic riverfront permit.

Commissioner Guthrie moved to convert this permit from a boat permit to an historic riverfront permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-18858 ON BROADWAY CO, INC. - Commissioner Guthrie stated this permit was made inactive due to the fact that it did not qualify for escrow. The permittee's attorney assured the Commission that there is a buyer, who is ready to open immediately and put the permit into use. The permittee request the Commission reactivate the permit.

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER